IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WP(C).No. 21721 of 2007(J)

OS.231/1999 of I ADDL.SUB COURT,TRIVANDRUM

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PETITIONER:

V.SASI KUMAR, S/O.VELAYUDHA PANICKER,
RESIDING AT 'PRATHEEKSHA', PRAVACHAMBALAM,
PALLICHAL, THIRUVANANTHAPURAM.

BY ADV. SRI.M.R.ANANDAKUTTAN
SMT.M.HEMALATHA

RESPONDENTS:

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1. HABEEB, S/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

2. NASSEEMA, D/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

3. SIYAD, S/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

4. NAVAS, S/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

5. ASHAR, S/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,]
THIRUVANANTHAPURAM.

6. BEENA,D/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,]
THIRUVANANTHAPURAM.

7. SUNITHA, D/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

8. SUMITHA, D/O.MUHAMMED KUNJU,
THYPPARAMBIL HOUSE, VELLAKKINAR WARD,
AMBALAPPUZHA, ALAPPUZHA DISTRICT, HAVING ALSO
T.C.2/1969, NEAR ADARSH NAGAR, PATTOM,
THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C)No. 21721 OF 2007 J

Dated this the 16th July, 2007.

JUDGMENT

This writ petition is filed seeking the I Additional Subordinate Judge, Thiruvananthapuram to dispose of O.S.231/99 pending before that court as expeditiously as possible. Learned counsel for the writ petitioner in all fairness submits before me that there is a petition to set aside the ex parte decree with a petition to condone the delay and the learned Subordinate Judge has disposed of the delay condonation application by allowing the same and kept pending the petition to set aside the ex parte decree. The writ petitioner is the plaintiff and the plaintiff does not have serious grievance in setting aside the ex parte decree as well. Therefore, I feel in the interest of justice the learned Subordinate Judge shall dispose of the petition for setting aside the ex parte decree as there is no serious dispute regarding the same. After disposing of this application, if it is in favour of petitioner therein, restore the suit to file and thereafter dispose of the matter as expeditiously as possible by including it in the list of August. The petitioner is directed to take a copy

of this order and produce it before the learned Subordinate Judge, Thiruvananthapuram for necessary compliance. Writ petition is disposed of accordingly.

M.N.KRISHNAN
Judge

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